



Sen. Dan Duffy

Filed: 3/15/2013

09800SB1527sam001

LRB098 09723 MLW 42764 a

1 AMENDMENT TO SENATE BILL 1527

2 AMENDMENT NO. _____. Amend Senate Bill 1527 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Vehicle Code is amended by
5 changing Sections 3-400, 6-306.5, 11-208, 11-208.3, and 11-612
6 as follows:

7 (625 ILCS 5/3-400) (from Ch. 95 1/2, par. 3-400)

8 Sec. 3-400. Definitions ~~Definition~~. Notwithstanding the
9 definition set forth in Chapter 1 of this Act, for the purposes
10 of this Article, the following words shall have the meaning
11 ascribed to them as follows:

12 "Apportionable Fee" means any periodic recurring fee
13 required for licensing or registering vehicles, such as, but
14 not limited to, registration fees, license or weight fees.

15 "Apportionable Vehicle" means any vehicle, except
16 recreational vehicles, vehicles displaying restricted plates,

1 city pickup and delivery vehicles, buses used in transportation
2 of chartered parties, and government owned vehicles that are
3 used or intended for use in 2 or more member jurisdictions that
4 allocate or proportionally register vehicles, in a fleet which
5 is used for the transportation of persons for hire or the
6 transportation of property and which has a gross vehicle weight
7 in excess of 26,000 pounds; or has three or more axles
8 regardless of weight; or is used in combination when the weight
9 of such combination exceeds 26,000 pounds gross vehicle weight.
10 Vehicles, or combinations having a gross vehicle weight of
11 26,000 pounds or less and two-axle vehicles may be
12 proportionally registered at the option of such owner.

13 "Base Jurisdiction" means, for purposes of fleet
14 registration, the jurisdiction where the registrant has an
15 established place of business, where operational records of the
16 fleet are maintained and where mileage is accrued by the fleet.
17 In case a registrant operates more than one fleet, and
18 maintains records for each fleet in different places, the "base
19 jurisdiction" for a fleet shall be the jurisdiction where an
20 established place of business is maintained, where records of
21 the operation of that fleet are maintained and where mileage is
22 accrued by that fleet.

23 "Operational Records" means documents supporting miles
24 traveled in each jurisdiction and total miles traveled, such as
25 fuel reports, trip leases, and logs.

26 Owner. A person who holds legal title of a motor vehicle,

1 or in the event a motor vehicle is the subject of an agreement
2 for the conditional sale or lease thereof with the right of
3 purchase upon performance of the conditions stated in the
4 agreement and with an immediate right of possession vested in
5 the conditional vendee or lessee with right of purchase, or in
6 the event a mortgagor of such motor vehicle is entitled to
7 possession, or in the event a lessee of such motor vehicle is
8 entitled to possession or control, then such conditional vendee
9 or lessee with right of purchase or mortgagor or lessee is
10 considered to be the owner for the purpose of this Act.

11 "Registration plate cover" means any tinted, colored,
12 painted, marked, clear, or illuminated object that is designed
13 to (i) cover any of the characters of a motor vehicle's
14 registration plate; or (ii) distort a recorded image of any of
15 the characters of a motor vehicle's registration plate recorded
16 by an automated enforcement system as defined in Section
17 ~~11-208.6, 11-208.8, or~~ 11-1201.1 of this Code or recorded by an
18 automated traffic control system as defined in Section 15 of
19 the Automated Traffic Control Systems in Highway Construction
20 or Maintenance Zones Act.

21 "Rental Owner" means an owner principally engaged, with
22 respect to one or more rental fleets, in renting to others or
23 offering for rental the vehicles of such fleets, without
24 drivers.

25 "Restricted Plates" shall include but are not limited to
26 dealer, manufacturer, transporter, farm, reposessor, and

1 permanently mounted type plates. Vehicles displaying any of
2 these type plates from a foreign jurisdiction that is a member
3 of the International Registration Plan shall be granted
4 reciprocity but shall be subject to the same limitations as
5 similar plated Illinois registered vehicles.

6 (Source: P.A. 97-743, eff. 1-1-13; revised 8-3-12.)

7 (625 ILCS 5/6-306.5) (from Ch. 95 1/2, par. 6-306.5)

8 Sec. 6-306.5. Failure to pay fine or penalty for standing,
9 parking, compliance, ~~automated speed enforcement system,~~ or
10 automated traffic law violations; suspension of driving
11 privileges.

12 (a) Upon receipt of a certified report, as prescribed by
13 subsection (c) of this Section, from any municipality or county
14 stating that the owner of a registered vehicle: (1) has failed
15 to pay any fine or penalty due and owing as a result of 10 or
16 more violations of a municipality's or county's vehicular
17 standing, parking, or compliance regulations established by
18 ordinance pursuant to Section 11-208.3 of this Code, (2) has
19 failed to pay any fine or penalty due and owing as a result of 5
20 offenses for automated ~~speed enforcement system violations or~~
21 ~~automated~~ traffic violations as defined in Section ~~Sections~~
22 ~~11-208.6, 11-208.8, or 11-1201.1, or combination thereof,~~ or
23 (3) is more than 14 days in default of a payment plan pursuant
24 to which a suspension had been terminated under subsection (c)
25 of this Section, the Secretary of State shall suspend the

1 driving privileges of such person in accordance with the
2 procedures set forth in this Section. The Secretary shall also
3 suspend the driving privileges of an owner of a registered
4 vehicle upon receipt of a certified report, as prescribed by
5 subsection (f) of this Section, from any municipality or county
6 stating that such person has failed to satisfy any fines or
7 penalties imposed by final judgments for 5 or more ~~automated~~
8 ~~speed enforcement system or~~ automated traffic law violations,
9 ~~or combination thereof,~~ or 10 or more violations of local
10 standing, parking, or compliance regulations after exhaustion
11 of judicial review procedures.

12 (b) Following receipt of the certified report of the
13 municipality or county as specified in this Section, the
14 Secretary of State shall notify the person whose name appears
15 on the certified report that the person's drivers license will
16 be suspended at the end of a specified period of time unless
17 the Secretary of State is presented with a notice from the
18 municipality or county certifying that the fine or penalty due
19 and owing the municipality or county has been paid or that
20 inclusion of that person's name on the certified report was in
21 error. The Secretary's notice shall state in substance the
22 information contained in the municipality's or county's
23 certified report to the Secretary, and shall be effective as
24 specified by subsection (c) of Section 6-211 of this Code.

25 (c) The report of the appropriate municipal or county
26 official notifying the Secretary of State of unpaid fines or

1 penalties pursuant to this Section shall be certified and shall
2 contain the following:

3 (1) The name, last known address as recorded with the
4 Secretary of State, as provided by the lessor of the cited
5 vehicle at the time of lease, or as recorded in a United
6 States Post Office approved database if any notice sent
7 under Section 11-208.3 of this Code is returned as
8 undeliverable, and drivers license number of the person who
9 failed to pay the fine or penalty or who has defaulted in a
10 payment plan and the registration number of any vehicle
11 known to be registered to such person in this State.

12 (2) The name of the municipality or county making the
13 report pursuant to this Section.

14 (3) A statement that the municipality or county sent a
15 notice of impending drivers license suspension as
16 prescribed by ordinance enacted pursuant to Section
17 11-208.3 of this Code or a notice of default in a payment
18 plan, to the person named in the report at the address
19 recorded with the Secretary of State or at the last address
20 known to the lessor of the cited vehicle at the time of
21 lease or, if any notice sent under Section 11-208.3 of this
22 Code is returned as undeliverable, at the last known
23 address recorded in a United States Post Office approved
24 database; the date on which such notice was sent; and the
25 address to which such notice was sent. In a municipality or
26 county with a population of 1,000,000 or more, the report

1 shall also include a statement that the alleged violator's
2 State vehicle registration number and vehicle make, if
3 specified on the ~~automated speed enforcement system~~
4 ~~violation or~~ automated traffic law violation notice, are
5 correct as they appear on the citations.

6 (4) A unique identifying reference number for each
7 request of suspension sent whenever a person has failed to
8 pay the fine or penalty or has defaulted on a payment plan.

9 (d) Any municipality or county making a certified report to
10 the Secretary of State pursuant to this Section shall notify
11 the Secretary of State, in a form prescribed by the Secretary,
12 whenever a person named in the certified report has paid the
13 previously reported fine or penalty, whenever a person named in
14 the certified report has entered into a payment plan pursuant
15 to which the municipality or county has agreed to terminate the
16 suspension, or whenever the municipality or county determines
17 that the original report was in error. A certified copy of such
18 notification shall also be given upon request and at no
19 additional charge to the person named therein. Upon receipt of
20 the municipality's or county's notification or presentation of
21 a certified copy of such notification, the Secretary of State
22 shall terminate the suspension.

23 (e) Any municipality or county making a certified report to
24 the Secretary of State pursuant to this Section shall also by
25 ordinance establish procedures for persons to challenge the
26 accuracy of the certified report. The ordinance shall also

1 state the grounds for such a challenge, which may be limited to
2 (1) the person not having been the owner or lessee of the
3 vehicle or vehicles receiving 10 or more standing, parking, or
4 compliance violation notices or ~~a combination of 5 or more~~
5 ~~automated speed enforcement system or~~ automated traffic law
6 violations on the date or dates such notices were issued; and
7 (2) the person having already paid the fine or penalty for the
8 10 or more standing, parking, or compliance violations or
9 ~~combination of 5 or more automated speed enforcement system or~~
10 automated traffic law violations indicated on the certified
11 report.

12 (f) Any municipality or county, other than a municipality
13 or county establishing vehicular standing, parking, and
14 compliance regulations pursuant to Section 11-208.3, ~~automated~~
15 ~~speed enforcement system regulations under Section 11-208.8,~~
16 or automated traffic law regulations under Section ~~11-208.6 or~~
17 11-1201.1, may also cause a suspension of a person's drivers
18 license pursuant to this Section. Such municipality or county
19 may invoke this sanction by making a certified report to the
20 Secretary of State upon a person's failure to satisfy any fine
21 or penalty imposed by final judgment for 10 or more violations
22 of local standing, parking, or compliance regulations or ~~a~~
23 ~~combination of 5 or more automated speed enforcement system or~~
24 automated traffic law violations after exhaustion of judicial
25 review procedures, but only if:

26 (1) the municipality or county complies with the

1 provisions of this Section in all respects except in regard
2 to enacting an ordinance pursuant to Section 11-208.3;

3 (2) the municipality or county has sent a notice of
4 impending drivers license suspension as prescribed by an
5 ordinance enacted pursuant to subsection (g) of this
6 Section; and

7 (3) in municipalities or counties with a population of
8 1,000,000 or more, the municipality or county has verified
9 that the alleged violator's State vehicle registration
10 number and vehicle make are correct as they appear on the
11 citations.

12 (g) Any municipality or county, other than a municipality
13 or county establishing standing, parking, and compliance
14 regulations pursuant to Section 11-208.3, ~~automated speed~~
15 ~~enforcement system regulations under Section 11-208.8,~~ or
16 automated traffic law regulations under Section ~~11-208.6~~ or
17 11-1201.1, may provide by ordinance for the sending of a notice
18 of impending drivers license suspension to the person who has
19 failed to satisfy any fine or penalty imposed by final judgment
20 for 10 or more violations of local standing, parking, or
21 compliance regulations or ~~a combination of 5 or more automated~~
22 ~~speed enforcement system or~~ automated traffic law violations
23 after exhaustion of judicial review procedures. An ordinance so
24 providing shall specify that the notice sent to the person
25 liable for any fine or penalty shall state that failure to pay
26 the fine or penalty owing within 45 days of the notice's date

1 will result in the municipality or county notifying the
2 Secretary of State that the person's drivers license is
3 eligible for suspension pursuant to this Section. The notice of
4 impending drivers license suspension shall be sent by first
5 class United States mail, postage prepaid, to the address
6 recorded with the Secretary of State or at the last address
7 known to the lessor of the cited vehicle at the time of lease
8 or, if any notice sent under Section 11-208.3 of this Code is
9 returned as undeliverable, to the last known address recorded
10 in a United States Post Office approved database.

11 (h) An administrative hearing to contest an impending
12 suspension or a suspension made pursuant to this Section may be
13 had upon filing a written request with the Secretary of State.
14 The filing fee for this hearing shall be \$20, to be paid at the
15 time the request is made. A municipality or county which files
16 a certified report with the Secretary of State pursuant to this
17 Section shall reimburse the Secretary for all reasonable costs
18 incurred by the Secretary as a result of the filing of the
19 report, including but not limited to the costs of providing the
20 notice required pursuant to subsection (b) and the costs
21 incurred by the Secretary in any hearing conducted with respect
22 to the report pursuant to this subsection and any appeal from
23 such a hearing.

24 (i) The provisions of this Section shall apply on and after
25 January 1, 1988.

26 (j) For purposes of this Section, the term "compliance

1 violation" is defined as in Section 11-208.3.

2 (Source: P.A. 96-478, eff. 1-1-10; 96-1184, eff. 7-22-10;
3 96-1386, eff. 7-29-10; 97-333, eff. 8-12-11; 97-672, eff.
4 7-1-12.)

5 (625 ILCS 5/11-208) (from Ch. 95 1/2, par. 11-208)

6 Sec. 11-208. Powers of local authorities.

7 (a) The provisions of this Code shall not be deemed to
8 prevent local authorities with respect to streets and highways
9 under their jurisdiction and within the reasonable exercise of
10 the police power from:

11 1. Regulating the standing or parking of vehicles,
12 except as limited by Sections 11-1306 and 11-1307 of this
13 Act;

14 2. Regulating traffic by means of police officers or
15 traffic control signals;

16 3. Regulating or prohibiting processions or
17 assemblages on the highways;

18 4. Designating particular highways as one-way highways
19 and requiring that all vehicles thereon be moved in one
20 specific direction;

21 5. Regulating the speed of vehicles in public parks
22 subject to the limitations set forth in Section 11-604;

23 6. Designating any highway as a through highway, as
24 authorized in Section 11-302, and requiring that all
25 vehicles stop before entering or crossing the same or

1 designating any intersection as a stop intersection or a
2 yield right-of-way intersection and requiring all vehicles
3 to stop or yield the right-of-way at one or more entrances
4 to such intersections;

5 7. Restricting the use of highways as authorized in
6 Chapter 15;

7 8. Regulating the operation of bicycles and requiring
8 the registration and licensing of same, including the
9 requirement of a registration fee;

10 9. Regulating or prohibiting the turning of vehicles or
11 specified types of vehicles at intersections;

12 10. Altering the speed limits as authorized in Section
13 11-604;

14 11. Prohibiting U-turns;

15 12. Prohibiting pedestrian crossings at other than
16 designated and marked crosswalks or at intersections;

17 13. Prohibiting parking during snow removal operation;

18 14. Imposing fines in accordance with Section
19 11-1301.3 as penalties for use of any parking place
20 reserved for persons with disabilities, as defined by
21 Section 1-159.1, or disabled veterans by any person using a
22 motor vehicle not bearing registration plates specified in
23 Section 11-1301.1 or a special decal or device as defined
24 in Section 11-1301.2 as evidence that the vehicle is
25 operated by or for a person with disabilities or disabled
26 veteran;

1 15. Adopting such other traffic regulations as are
2 specifically authorized by this Code; or

3 16. Enforcing the provisions of subsection (f) of
4 Section 3-413 of this Code or a similar local ordinance.

5 (b) No ordinance or regulation enacted under subsections 1,
6 4, 5, 6, 7, 9, 10, 11 or 13 of paragraph (a) shall be effective
7 until signs giving reasonable notice of such local traffic
8 regulations are posted.

9 (c) The provisions of this Code shall not prevent any
10 municipality having a population of 500,000 or more inhabitants
11 from prohibiting any person from driving or operating any motor
12 vehicle upon the roadways of such municipality with headlamps
13 on high beam or bright.

14 (d) The provisions of this Code shall not be deemed to
15 prevent local authorities within the reasonable exercise of
16 their police power from prohibiting, on private property, the
17 unauthorized use of parking spaces reserved for persons with
18 disabilities.

19 (e) No unit of local government, including a home rule
20 unit, may enact or enforce an ordinance that applies only to
21 motorcycles if the principal purpose for that ordinance is to
22 restrict the access of motorcycles to any highway or portion of
23 a highway for which federal or State funds have been used for
24 the planning, design, construction, or maintenance of that
25 highway. No unit of local government, including a home rule
26 unit, may enact an ordinance requiring motorcycle users to wear

1 protective headgear. Nothing in this subsection (e) shall
2 affect the authority of a unit of local government to regulate
3 motorcycles for traffic control purposes or in accordance with
4 Section 12-602 of this Code. No unit of local government,
5 including a home rule unit, may regulate motorcycles in a
6 manner inconsistent with this Code. This subsection (e) is a
7 limitation under subsection (i) of Section 6 of Article VII of
8 the Illinois Constitution on the concurrent exercise by home
9 rule units of powers and functions exercised by the State.

10 (f) (Blank). ~~A municipality or county designated in Section~~
11 ~~11-208.6 may enact an ordinance providing for an automated~~
12 ~~traffic law enforcement system to enforce violations of this~~
13 ~~Code or a similar provision of a local ordinance and imposing~~
14 ~~liability on a registered owner or lessee of a vehicle used in~~
15 ~~such a violation.~~

16 (g) A municipality or county, as provided in Section
17 11-1201.1, may enact an ordinance providing for an automated
18 traffic law enforcement system to enforce violations of Section
19 11-1201 of this Code or a similar provision of a local
20 ordinance and imposing liability on a registered owner of a
21 vehicle used in such a violation.

22 (h) (Blank). ~~A municipality designated in Section 11-208.8~~
23 ~~may enact an ordinance providing for an automated speed~~
24 ~~enforcement system to enforce violations of Article VI of~~
25 ~~Chapter 11 of this Code or a similar provision of a local~~
26 ~~ordinance.~~

1 (Source: P.A. 96-478, eff. 1-1-10; 96-1256, eff. 1-1-11; 97-29,
2 eff. 1-1-12; 97-672, eff. 7-1-12.)

3 (625 ILCS 5/11-208.3) (from Ch. 95 1/2, par. 11-208.3)

4 Sec. 11-208.3. Administrative adjudication of violations
5 of traffic regulations concerning the standing, parking, or
6 condition of vehicles, and automated traffic law violations,
7 ~~and automated speed enforcement system violations.~~

8 (a) Any municipality or county may provide by ordinance for
9 a system of administrative adjudication of vehicular standing
10 and parking violations and vehicle compliance violations as
11 described in this subsection and ~~7~~ automated traffic law
12 violations as defined in Section ~~11-208.6~~ or 11-1201.1, ~~and~~
13 ~~automated speed enforcement system violations as defined in~~
14 ~~Section 11-208.8~~. The administrative system shall have as its
15 purpose the fair and efficient enforcement of municipal or
16 county regulations through the administrative adjudication of
17 ~~automated speed enforcement system or~~ automated traffic law
18 violations and violations of municipal or county ordinances
19 regulating the standing and parking of vehicles, the condition
20 and use of vehicle equipment, and the display of municipal or
21 county wheel tax licenses within the municipality's or county's
22 borders. The administrative system shall only have authority to
23 adjudicate civil offenses carrying fines not in excess of \$500
24 or requiring the completion of a traffic education program, or
25 both, that occur after the effective date of the ordinance

1 adopting such a system under this Section. For purposes of this
2 Section, "compliance violation" means a violation of a
3 municipal or county regulation governing the condition or use
4 of equipment on a vehicle or governing the display of a
5 municipal or county wheel tax license.

6 (b) Any ordinance establishing a system of administrative
7 adjudication under this Section shall provide for:

8 (1) A traffic compliance administrator authorized to
9 adopt, distribute and process parking, compliance, and
10 ~~automated speed enforcement system~~ or automated traffic
11 law violation notices and other notices required by this
12 Section, collect money paid as fines and penalties for
13 violation of parking and compliance ordinances and
14 ~~automated speed enforcement system~~ or automated traffic
15 law violations, and operate an administrative adjudication
16 system. The traffic compliance administrator also may make
17 a certified report to the Secretary of State under Section
18 6-306.5.

19 (2) A parking, standing, compliance, ~~automated speed~~
20 ~~enforcement system,~~ or automated traffic law violation
21 notice that shall specify the date, time, and place of
22 violation of a parking, standing, compliance, ~~automated~~
23 ~~speed enforcement system,~~ or automated traffic law
24 regulation; the particular regulation violated; any
25 requirement to complete a traffic education program; the
26 fine and any penalty that may be assessed for late payment

1 or failure to complete a required traffic education
2 program, or both, when so provided by ordinance; the
3 vehicle make and state registration number; and the
4 identification number of the person issuing the notice.
5 With regard to ~~automated speed enforcement system or~~
6 automated traffic law violations, vehicle make shall be
7 specified on the ~~automated speed enforcement system or~~
8 automated traffic law violation notice if the make is
9 available and readily discernible. With regard to
10 municipalities or counties with a population of 1 million
11 or more, it shall be grounds for dismissal of a parking
12 violation if the state registration number or vehicle make
13 specified is incorrect. The violation notice shall state
14 that the completion of any required traffic education
15 program, the payment of any indicated fine, and the payment
16 of any applicable penalty for late payment or failure to
17 complete a required traffic education program, or both,
18 shall operate as a final disposition of the violation. The
19 notice also shall contain information as to the
20 availability of a hearing in which the violation may be
21 contested on its merits. The violation notice shall specify
22 the time and manner in which a hearing may be had.

23 (3) Service of the parking, standing, or compliance
24 violation notice by affixing the original or a facsimile of
25 the notice to an unlawfully parked vehicle or by handing
26 the notice to the operator of a vehicle if he or she is

1 present and service of an ~~automated speed enforcement~~
2 ~~system or~~ automated traffic law violation notice by mail to
3 the address of the registered owner or lessee of the cited
4 vehicle as recorded with the Secretary of State or the
5 lessor of the motor vehicle within 30 days after the
6 Secretary of State or the lessor of the motor vehicle
7 notifies the municipality or county of the identity of the
8 owner or lessee of the vehicle, but not later than 90 days
9 after the violation, except that in the case of a lessee of
10 a motor vehicle, service of an automated traffic law
11 violation notice may occur no later than 210 days after the
12 violation. A person authorized by ordinance to issue and
13 serve parking, standing, and compliance violation notices
14 shall certify as to the correctness of the facts entered on
15 the violation notice by signing his or her name to the
16 notice at the time of service or in the case of a notice
17 produced by a computerized device, by signing a single
18 certificate to be kept by the traffic compliance
19 administrator attesting to the correctness of all notices
20 produced by the device while it was under his or her
21 control. In the case of an automated traffic law violation,
22 the ordinance shall require a determination by a technician
23 employed or contracted by the municipality or county that,
24 based on inspection of recorded images, the motor vehicle
25 was being operated in violation of Section 11-208.6 or
26 11-1201.1 or a local ordinance. If the technician

1 determines that the vehicle entered the intersection as
2 part of a funeral procession or in order to yield the
3 right-of-way to an emergency vehicle, a citation shall not
4 be issued. In municipalities with a population of less than
5 1,000,000 inhabitants and counties with a population of
6 less than 3,000,000 inhabitants, the automated traffic law
7 ordinance shall require that all determinations by a
8 technician that a motor vehicle was being operated in
9 violation of Section 11-208.6 or 11-1201.1 or a local
10 ordinance must be reviewed and approved by a law
11 enforcement officer or retired law enforcement officer of
12 the municipality or county issuing the violation. In
13 municipalities with a population of 1,000,000 or more
14 inhabitants and counties with a population of 3,000,000 or
15 more inhabitants, the automated traffic law ordinance
16 shall require that all determinations by a technician that
17 a motor vehicle was being operated in violation of Section
18 11-208.6 or 11-1201.1 or a local ordinance must be reviewed
19 and approved by a law enforcement officer or retired law
20 enforcement officer of the municipality or county issuing
21 the violation or by an additional fully-trained reviewing
22 technician who is not employed by the contractor who
23 employs the technician who made the initial determination.
24 ~~In the case of an automated speed enforcement system~~
25 ~~violation, the ordinance shall require a determination by a~~
26 ~~technician employed by the municipality, based upon an~~

1 ~~inspection of recorded images, video or other~~
2 ~~documentation, including documentation of the speed limit~~
3 ~~and automated speed enforcement signage, and documentation~~
4 ~~of the inspection, calibration, and certification of the~~
5 ~~speed equipment, that the vehicle was being operated in~~
6 ~~violation of Article VI of Chapter 11 of this Code or a~~
7 ~~similar local ordinance. If the technician determines that~~
8 ~~the vehicle speed was not determined by a calibrated,~~
9 ~~certified speed equipment device based upon the speed~~
10 ~~equipment documentation, or if the vehicle was an emergency~~
11 ~~vehicle, a citation may not be issued. The automated speed~~
12 ~~enforcement ordinance shall require that all~~
13 ~~determinations by a technician that a violation occurred be~~
14 ~~reviewed and approved by a law enforcement officer or~~
15 ~~retired law enforcement officer of the municipality~~
16 ~~issuing the violation or by an additional fully trained~~
17 ~~reviewing technician who is not employed by the contractor~~
18 ~~who employs the technician who made the initial~~
19 ~~determination. Routine and independent calibration of the~~
20 ~~speeds produced by automated speed enforcement systems and~~
21 ~~equipment shall be conducted by a qualified technician.~~
22 ~~Speeds produced by an automated speed enforcement system~~
23 ~~shall be compared with speeds produced by lidar or other~~
24 ~~independent equipment. Qualified technicians shall test~~
25 ~~radar or lidar equipment no less frequently than once each~~
26 ~~week, and shall test loop based equipment no less~~

1 ~~frequently than once a year. Radar equipment shall be~~
2 ~~checked for accuracy by a qualified technician when the~~
3 ~~unit is serviced, when unusual or suspect readings persist,~~
4 ~~or when deemed necessary by a reviewing technician. Radar~~
5 ~~equipment shall be checked with certified tuning forks, the~~
6 ~~internal circuit test, and diode display test whenever the~~
7 ~~radar is turned on. Technicians must be alert for any~~
8 ~~unusual or suspect readings, and if unusual or suspect~~
9 ~~readings of a radar unit persist, that unit shall~~
10 ~~immediately be removed from service and not returned to~~
11 ~~service until it has been checked by a qualified technician~~
12 ~~and determined to be functioning properly. Documentation~~
13 ~~of the calibration results, including the equipment~~
14 ~~tested, test date, technician performing the test, and test~~
15 ~~results, shall be maintained and available for use in the~~
16 ~~determination of an automated speed enforcement system~~
17 ~~violation and issuance of a citation. The technician~~
18 ~~performing the calibration and testing of the automated~~
19 ~~speed enforcement equipment shall be trained and certified~~
20 ~~in the use of equipment for speed enforcement purposes.~~
21 ~~Training on the speed enforcement equipment may be~~
22 ~~conducted by law enforcement, civilian, or manufacturer's~~
23 ~~personnel and shall be equivalent to the equipment use and~~
24 ~~operations training included in the Speed Measuring Device~~
25 ~~Operator Program developed by the National Highway Traffic~~
26 ~~Safety Administration (NHTSA). The technician who performs~~

1 ~~the work shall keep accurate records on each piece of~~
2 ~~equipment the technician calibrates and tests.~~ As used in
3 this paragraph, "fully-trained reviewing technician" means
4 a person who has received at least 40 hours of supervised
5 training in subjects which shall include image inspection
6 and interpretation, the elements necessary to prove a
7 violation, license plate identification, and traffic
8 safety and management. In all municipalities and counties,
9 the ~~automated speed enforcement system or~~ automated
10 traffic law ordinance shall require that no additional fee
11 shall be charged to the alleged violator for exercising his
12 or her right to an administrative hearing, and persons
13 shall be given at least 25 days following an administrative
14 hearing to pay any civil penalty imposed by a finding that
15 Section ~~11-208.6, 11-208.8, or~~ 11-1201.1 or a similar local
16 ordinance has been violated. The original or a facsimile of
17 the violation notice or, in the case of a notice produced
18 by a computerized device, a printed record generated by the
19 device showing the facts entered on the notice, shall be
20 retained by the traffic compliance administrator, and
21 shall be a record kept in the ordinary course of business.
22 A parking, standing, compliance, ~~automated speed~~
23 ~~enforcement system,~~ or automated traffic law violation
24 notice issued, signed and served in accordance with this
25 Section, a copy of the notice, or the computer generated
26 record shall be prima facie correct and shall be prima

1 facie evidence of the correctness of the facts shown on the
2 notice. The notice, copy, or computer generated record
3 shall be admissible in any subsequent administrative or
4 legal proceedings.

5 (4) An opportunity for a hearing for the registered
6 owner of the vehicle cited in the parking, standing,
7 compliance, ~~automated speed enforcement system,~~ or
8 automated traffic law violation notice in which the owner
9 may contest the merits of the alleged violation, and during
10 which formal or technical rules of evidence shall not
11 apply; provided, however, that under Section 11-1306 of
12 this Code the lessee of a vehicle cited in the violation
13 notice likewise shall be provided an opportunity for a
14 hearing of the same kind afforded the registered owner. The
15 hearings shall be recorded, and the person conducting the
16 hearing on behalf of the traffic compliance administrator
17 shall be empowered to administer oaths and to secure by
18 subpoena both the attendance and testimony of witnesses and
19 the production of relevant books and papers. Persons
20 appearing at a hearing under this Section may be
21 represented by counsel at their expense. The ordinance may
22 also provide for internal administrative review following
23 the decision of the hearing officer.

24 (5) Service of additional notices, sent by first class
25 United States mail, postage prepaid, to the address of the
26 registered owner of the cited vehicle as recorded with the

1 Secretary of State or, if any notice to that address is
2 returned as undeliverable, to the last known address
3 recorded in a United States Post Office approved database,
4 or, under Section 11-1306 ~~or subsection (p) of Section~~
5 ~~11 208.6, or subsection (p) of Section 11 208.8~~ of this
6 Code, to the lessee of the cited vehicle at the last
7 address known to the lessor of the cited vehicle at the
8 time of lease or, if any notice to that address is returned
9 as undeliverable, to the last known address recorded in a
10 United States Post Office approved database. The service
11 shall be deemed complete as of the date of deposit in the
12 United States mail. The notices shall be in the following
13 sequence and shall include but not be limited to the
14 information specified herein:

15 (i) A second notice of parking, standing, or
16 compliance violation. This notice shall specify the
17 date and location of the violation cited in the
18 parking, standing, or compliance violation notice, the
19 particular regulation violated, the vehicle make and
20 state registration number, any requirement to complete
21 a traffic education program, the fine and any penalty
22 that may be assessed for late payment or failure to
23 complete a traffic education program, or both, when so
24 provided by ordinance, the availability of a hearing in
25 which the violation may be contested on its merits, and
26 the time and manner in which the hearing may be had.

1 The notice of violation shall also state that failure
2 to complete a required traffic education program, to
3 pay the indicated fine and any applicable penalty, or
4 to appear at a hearing on the merits in the time and
5 manner specified, will result in a final determination
6 of violation liability for the cited violation in the
7 amount of the fine or penalty indicated, and that, upon
8 the occurrence of a final determination of violation
9 liability for the failure, and the exhaustion of, or
10 failure to exhaust, available administrative or
11 judicial procedures for review, any incomplete traffic
12 education program or any unpaid fine or penalty, or
13 both, will constitute a debt due and owing the
14 municipality or county.

15 (ii) A notice of final determination of parking,
16 standing, compliance, ~~automated speed enforcement~~
17 ~~system,~~ or automated traffic law violation liability.
18 This notice shall be sent following a final
19 determination of parking, standing, compliance,
20 ~~automated speed enforcement system,~~ or automated
21 traffic law violation liability and the conclusion of
22 judicial review procedures taken under this Section.
23 The notice shall state that the incomplete traffic
24 education program or the unpaid fine or penalty, or
25 both, is a debt due and owing the municipality or
26 county. The notice shall contain warnings that failure

1 to complete any required traffic education program or
2 to pay any fine or penalty due and owing the
3 municipality or county, or both, within the time
4 specified may result in the municipality's or county's
5 filing of a petition in the Circuit Court to have the
6 incomplete traffic education program or unpaid fine or
7 penalty, or both, rendered a judgment as provided by
8 this Section, or may result in suspension of the
9 person's drivers license for failure to complete a
10 traffic education program or to pay fines or penalties,
11 or both, for 10 or more parking violations under
12 Section 6-306.5~~7~~ or ~~a combination of 5 or more~~
13 ~~automated traffic law violations under Section~~
14 ~~11-208.6 or automated speed enforcement system~~
15 ~~violations under Section 11-208.8.~~

16 (6) A notice of impending drivers license suspension.
17 This notice shall be sent to the person liable for failure
18 to complete a required traffic education program or to pay
19 any fine or penalty that remains due and owing, or both, on
20 10 or more parking violations or ~~combination of 5 or more~~
21 ~~unpaid automated speed enforcement system or automated~~
22 ~~traffic law violations.~~ The notice shall state that failure
23 to complete a required traffic education program or to pay
24 the fine or penalty owing, or both, within 45 days of the
25 notice's date will result in the municipality or county
26 notifying the Secretary of State that the person is

1 eligible for initiation of suspension proceedings under
2 Section 6-306.5 of this Code. The notice shall also state
3 that the person may obtain a photostatic copy of an
4 original ticket imposing a fine or penalty by sending a
5 self addressed, stamped envelope to the municipality or
6 county along with a request for the photostatic copy. The
7 notice of impending drivers license suspension shall be
8 sent by first class United States mail, postage prepaid, to
9 the address recorded with the Secretary of State or, if any
10 notice to that address is returned as undeliverable, to the
11 last known address recorded in a United States Post Office
12 approved database.

13 (7) Final determinations of violation liability. A
14 final determination of violation liability shall occur
15 following failure to complete the required traffic
16 education program or to pay the fine or penalty, or both,
17 after a hearing officer's determination of violation
18 liability and the exhaustion of or failure to exhaust any
19 administrative review procedures provided by ordinance.
20 Where a person fails to appear at a hearing to contest the
21 alleged violation in the time and manner specified in a
22 prior mailed notice, the hearing officer's determination
23 of violation liability shall become final: (A) upon denial
24 of a timely petition to set aside that determination, or
25 (B) upon expiration of the period for filing the petition
26 without a filing having been made.

1 (8) A petition to set aside a determination of parking,
2 standing, compliance, ~~automated speed enforcement system,~~
3 or automated traffic law violation liability that may be
4 filed by a person owing an unpaid fine or penalty. A
5 petition to set aside a determination of liability may also
6 be filed by a person required to complete a traffic
7 education program. The petition shall be filed with and
8 ruled upon by the traffic compliance administrator in the
9 manner and within the time specified by ordinance. The
10 grounds for the petition may be limited to: (A) the person
11 not having been the owner or lessee of the cited vehicle on
12 the date the violation notice was issued, (B) the person
13 having already completed the required traffic education
14 program or paid the fine or penalty, or both, for the
15 violation in question, and (C) excusable failure to appear
16 at or request a new date for a hearing. With regard to
17 municipalities or counties with a population of 1 million
18 or more, it shall be grounds for dismissal of a parking
19 violation if the state registration number, or vehicle make
20 if specified, is incorrect. After the determination of
21 parking, standing, compliance, ~~automated speed enforcement~~
22 ~~system,~~ or automated traffic law violation liability has
23 been set aside upon a showing of just cause, the registered
24 owner shall be provided with a hearing on the merits for
25 that violation.

26 (9) Procedures for non-residents. Procedures by which

1 persons who are not residents of the municipality or county
2 may contest the merits of the alleged violation without
3 attending a hearing.

4 (10) A schedule of civil fines for violations of
5 vehicular standing, parking, compliance, ~~automated speed~~
6 ~~enforcement system,~~ or automated traffic law regulations
7 enacted by ordinance pursuant to this Section, and a
8 schedule of penalties for late payment of the fines or
9 failure to complete required traffic education programs,
10 provided, however, that the total amount of the fine and
11 penalty for any one violation shall not exceed \$250, except
12 as provided in subsection (c) of Section 11-1301.3 of this
13 Code.

14 (11) Other provisions as are necessary and proper to
15 carry into effect the powers granted and purposes stated in
16 this Section.

17 (c) Any municipality or county establishing vehicular
18 standing, parking, compliance, automated speed enforcement
19 system, or automated traffic law regulations under this Section
20 may also provide by ordinance for a program of vehicle
21 immobilization for the purpose of facilitating enforcement of
22 those regulations. The program of vehicle immobilization shall
23 provide for immobilizing any eligible vehicle upon the public
24 way by presence of a restraint in a manner to prevent operation
25 of the vehicle. Any ordinance establishing a program of vehicle
26 immobilization under this Section shall provide:

1 (1) Criteria for the designation of vehicles eligible
2 for immobilization. A vehicle shall be eligible for
3 immobilization when the registered owner of the vehicle has
4 accumulated the number of incomplete traffic education
5 programs or unpaid final determinations of parking,
6 standing, compliance, ~~automated speed enforcement system,~~
7 or automated traffic law violation liability, or both, as
8 determined by ordinance.

9 (2) A notice of impending vehicle immobilization and a
10 right to a hearing to challenge the validity of the notice
11 by disproving liability for the incomplete traffic
12 education programs or unpaid final determinations of
13 parking, standing, compliance, ~~automated speed enforcement~~
14 ~~system,~~ or automated traffic law violation liability, or
15 both, listed on the notice.

16 (3) The right to a prompt hearing after a vehicle has
17 been immobilized or subsequently towed without the
18 completion of the required traffic education program or
19 payment of the outstanding fines and penalties on parking,
20 standing, compliance, ~~automated speed enforcement system,~~
21 or automated traffic law violations, or both, for which
22 final determinations have been issued. An order issued
23 after the hearing is a final administrative decision within
24 the meaning of Section 3-101 of the Code of Civil
25 Procedure.

26 (4) A post immobilization and post-towing notice

1 advising the registered owner of the vehicle of the right
2 to a hearing to challenge the validity of the impoundment.

3 (d) Judicial review of final determinations of parking,
4 standing, compliance, ~~automated speed enforcement system,~~ or
5 automated traffic law violations and final administrative
6 decisions issued after hearings regarding vehicle
7 immobilization and impoundment made under this Section shall be
8 subject to the provisions of the Administrative Review Law.

9 (e) Any fine, penalty, incomplete traffic education
10 program, or part of any fine or any penalty remaining unpaid
11 after the exhaustion of, or the failure to exhaust,
12 administrative remedies created under this Section and the
13 conclusion of any judicial review procedures shall be a debt
14 due and owing the municipality or county and, as such, may be
15 collected in accordance with applicable law. Completion of any
16 required traffic education program and payment in full of any
17 fine or penalty resulting from a standing, parking, compliance,
18 ~~automated speed enforcement system,~~ or automated traffic law
19 violation shall constitute a final disposition of that
20 violation.

21 (f) After the expiration of the period within which
22 judicial review may be sought for a final determination of
23 parking, standing, compliance, ~~automated speed enforcement~~
24 ~~system,~~ or automated traffic law violation, the municipality or
25 county may commence a proceeding in the Circuit Court for
26 purposes of obtaining a judgment on the final determination of

1 violation. Nothing in this Section shall prevent a municipality
2 or county from consolidating multiple final determinations of
3 parking, standing, compliance, ~~automated speed enforcement~~
4 ~~system~~, or automated traffic law violations against a person in
5 a proceeding. Upon commencement of the action, the municipality
6 or county shall file a certified copy or record of the final
7 determination of parking, standing, compliance, ~~automated~~
8 ~~speed enforcement system~~, or automated traffic law violation,
9 which shall be accompanied by a certification that recites
10 facts sufficient to show that the final determination of
11 violation was issued in accordance with this Section and the
12 applicable municipal or county ordinance. Service of the
13 summons and a copy of the petition may be by any method
14 provided by Section 2-203 of the Code of Civil Procedure or by
15 certified mail, return receipt requested, provided that the
16 total amount of fines and penalties for final determinations of
17 parking, standing, compliance, ~~automated speed enforcement~~
18 ~~system~~, or automated traffic law violations does not exceed
19 \$2500. If the court is satisfied that the final determination
20 of parking, standing, compliance, ~~automated speed enforcement~~
21 ~~system~~, or automated traffic law violation was entered in
22 accordance with the requirements of this Section and the
23 applicable municipal or county ordinance, and that the
24 registered owner or the lessee, as the case may be, had an
25 opportunity for an administrative hearing and for judicial
26 review as provided in this Section, the court shall render

1 judgment in favor of the municipality or county and against the
2 registered owner or the lessee for the amount indicated in the
3 final determination of parking, standing, compliance,
4 ~~automated speed enforcement system,~~ or automated traffic law
5 violation, plus costs. The judgment shall have the same effect
6 and may be enforced in the same manner as other judgments for
7 the recovery of money.

8 (g) The fee for participating in a traffic education
9 program under this Section shall not exceed \$25.

10 A low-income individual required to complete a traffic
11 education program under this Section who provides proof of
12 eligibility for the federal earned income tax credit under
13 Section 32 of the Internal Revenue Code or the Illinois earned
14 income tax credit under Section 212 of the Illinois Income Tax
15 Act shall not be required to pay any fee for participating in a
16 required traffic education program.

17 (Source: P.A. 96-288, eff. 8-11-09; 96-478, eff. 1-1-10;
18 96-1000, eff. 7-2-10; 96-1016, eff. 1-1-11; 96-1386, eff.
19 7-29-10; 97-29, eff. 1-1-12; 97-333, eff. 8-12-11; 97-672, eff.
20 7-1-12.)

21 (625 ILCS 5/11-612)

22 Sec. 11-612. Certain systems to record vehicle speeds
23 prohibited. Except as authorized in the Automated Traffic
24 Control Systems in Highway Construction or Maintenance Zones
25 Act ~~and Section 11-208.8 of this Code,~~ no photographic, video,

1 or other imaging system may be used in this State to record
2 vehicle speeds for the purpose of enforcing any law or
3 ordinance regarding a maximum or minimum speed limit unless a
4 law enforcement officer is present at the scene and witnesses
5 the event. No State or local governmental entity, including a
6 home rule county or municipality, may use such a system in a
7 way that is prohibited by this Section. The regulation of the
8 use of such systems is an exclusive power and function of the
9 State. This Section is a denial and limitation of home rule
10 powers and functions under subsection (h) of Section 6 of
11 Article VII of the Illinois Constitution.

12 (Source: P.A. 97-672, eff. 7-1-12.)

13 (625 ILCS 5/1-105.1 rep.)

14 (625 ILCS 5/11-208.6 rep.)

15 (625 ILCS 5/11-208.8 rep.)

16 Section 10. The Illinois Vehicle Code is amended by
17 repealing Sections 1-105.1, 11-208.6, and 11-208.8."